CMPMO No.49 of 2007.

25.7.2007. Present: Mr. Suneet Goel, Advocate, for the petitioners.

Mr. Navlesh Verma, Advocate, for respondent No.1.

After hearing the learned counsel for the parties, I feel that in the facts and circumstances of this case, the petitioners ought to have been granted the permission to produce the document in question in the Court.

The petition accordingly is allowed. The impugned order is set aside. The application filed by the petitioners under Order 8 Rule 1-A(3) of the Code of Civil Procedure is allowed. The petitioners are permitted to produce the certified copy of mutation No.285 of Tikka Choa Chakerala in the trial Court within one week from today. They may also file an application in the trial Court within two weeks from today requesting the trial Court to summon an official of the Revenue Department for proving this mutation with reference to the record to be mentioned in the said application. On this application being filed, the learned trial Court shall summon the said revenue official for a date to be fixed by it in September, 2007. After the examination of this witness, it shall be upto the plaintiff to decide whether to produce any rebuttal evidence or not with respect to any issue arising out of the production and proof of the aforesaid document. If the plaintiff decides to produce rebuttal evidence it shall take steps for the same and the learned trial Court shall permit the plaintiff to produce the rebuttal evidence.

The aforesaid permission to the petitioners to file the certified copy of the document and to summon the witness for its proof is granted subject to the petitioners paying to respondent No.1 Rs.3,000/- as costs within two weeks from today. If the amount of costs is not paid within the aforesaid period, this order shall cease to operate and the impugned order passed by the trial Court shall stand revived.

Despite the production of the certified copy and its proof as hereinabove mentioned, all questions relating to the relevance of this document in the suit are left open to be decided by the trial Court at appropriate stage of the proceedings in the suit.

Since the suit has been going on for a long time, I direct the learned trial Court to take all steps to dispose of the suit very very expeditiously and in any case before 31st December, 2007.

CMP No.109 of 2007.

In view of the order passed in the main petition, this application is disposed of. Interim order passed on 25th April, 2007 shall stand vacated.

25th July, 2007. (V.K. Gupta), C.J.
(tr)